

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CHRISTOPHER J. HRANEK,

Plaintiff,

v.

Case No. 3:21-cv-00913-BJD-PDB

CITY OF JACKSONVILLE, et al.,

Defendants.

ORDER

Plaintiff seeks relief from the Court's Order denying his motion to proceed on appeal in forma pauperis (Doc. 9). A plaintiff demonstrates his appeal is taken in good faith when he seeks review of any issue that is not frivolous under an objective standard. Coppedge v. United States, 369 U.S. 438, 445 (1962). An action is frivolous "if it is without arguable merit either in law or fact." Ghee v. Retailers Nat. Bank, 271 F. App'x 858, 859 (11th Cir. 2008) (quoting Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001)). Upon review of Plaintiff's complaint (Doc. 1), his notice of appeal (Doc. 5), and the reasons for dismissal (Doc. 3), the Court concluded Plaintiff's appeal was not taken in good faith. See Dismissal Order (Doc. 3) (dismissing Plaintiff's claims under the Prison Litigation Reform Act because Plaintiff stated no plausible claims for

relief against the named Defendants and his complaint otherwise did not satisfy federal pleading standards).

If Plaintiff disagrees with the Court's ruling, he may seek a ruling from the Eleventh Circuit. See Fed. R. App. P. 24(a)(5) ("A party may file a motion to proceed on appeal in forma pauperis in the court of appeals within 30 days after service of the notice prescribed in Rule 24(a)(4) [of the district court's denial of a motion to proceed in forma pauperis]."). Additionally, Plaintiff is not entitled to have the appellate filing fee assessment removed from his inmate trust account. See Fed. R. App. P. 3(e) (providing the triggering event for payment of the appellate filing fee is the filing of a notice of appeal).

Accordingly, Plaintiff's motion (Doc. 9) is **DENIED**. As the Court previously informed Plaintiff, see Order (Doc. 3), if he wants to pursue any cognizable claims arising out of his detention at the Duval County Jail or the Florida Department of Corrections, he may initiate a new case by filing a new civil rights complaint.

DONE AND ORDERED at Jacksonville, Florida, this 8th day of December 2021.



BRIAN J. DAVIS
United States District Judge

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c:
Christopher J. Hranek